IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

TUESDAY, THE TENTH DAY OF APRIL
TWO THOUSAND AND SEVEN

PRESENT
**THE HON'BLE SRI JUSTICE BILAL NAZKI**
**and**
**THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO**

**WRIT PETITION No.7195 of 2007**

**Between:**

**M/s.Jagadamba Pearls Dealers,**
**Pot Market, Secunderabad.**

**..... PETITIONER**

**AND**

**The Additional Commissioner of commercial Taxes, (Legal), Office of the Commissioner of Commercial taxes, Nampally Station Road, Hyderabad, and 2 others.**

**.....RESPONDENTS**

**THE HON'BLE SRI JUSTICE BILAL NAZKI**
**and**
**THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO**

**WRIT PETITION No.7195 of 2007**

**ORDER:** ***(Per Hon'ble Sri Justice Bilal Nazki,)***

Heard the learned Counsel for the parties. With their consent, the Writ Petition is being disposed of at this stage.

The controversy is that pending an appeal,

application for stay of recovery of the disputed penalty amount was dismissed by the competent authority. We have gone through the record. We feel that the interest of justice would have been met if stay was granted pending appeal, subject to deposit of 1/4$^{th}$ of the disputed penalty amount. Therefore, we set aside the order of the authority and direct that 1/4$^{th}$ of the disputed penalty amount shall be paid by the petitioner within a period of six weeks. For six weeks, there shall be an unconditional stay and the stay shall continue till disposal of the appeal, provided the amount is deposited within six weeks. The deposit of amount shall be without prejudice to the rights of the petitioner in the appeal.

The Writ Petition is disposed of accordingly. No costs.

**(Bilal Nazki, J)**

**10$^{th}$ April, 2007**

**(Nooty Ramamohana Rao, J)**

**LUR**